

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Javontae Miller

CV 14

5056

COMPLAINT

NAME OF PLAINTIFF(S)

Trader Joe's

Jury Trial Demanded
CHEN, J.

Attn: Director of Human Resources

BLOOM, M.J.

455 Hancock Road Taunton, MA 02780

NAME OF DEFENDANT(S)

This action is brought for discrimination in employment pursuant to (check only those that apply):



Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (amended in 1972, 1978 and by the Civil Rights Act of 1991, Pub. L. No. 102-166) (race, color, gender, religion, national origin).

NOTE: In order to bring a suit in federal district court under Title VII, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634 (amended in 1984, 1990, and by the Age Discrimination in Employment Amendments of 1986, Pub. L. No. 92-592, the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring a suit in federal district court under the Age Discrimination in Employment Act, you must first file charges with the Equal Employment Opportunity Commission.

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117 (amended by the ADA Amendments Act of 2008, Pub. L. No. 110-325 and the Civil Rights Act of 1991, Pub. L. No. 102-166).

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a right to sue letter from the Equal Employment Opportunity Commission.

Jurisdiction is specifically conferred upon this United States District Court by the
aforementioned statutes, as well as 28 U.S.C. §§ 1331, 1343. Jurisdiction may also be
appropriate under 42 U.S.C. §§ 1981, 1983 and 1985(3), as amended by the Civil Rights Act of
1991, Pub. L. No. 102-166, and any related claims under New York law.

1. Plaintiff resides at:

391 Chauncey Street
Street Address
Kings NY 11233 (718) 919-0310
County State Zip Code Telephone Number

2. Defendant(s) resides at, or its business is located at:

Street Address

County City State Zip Code

3. The address at which I sought employment or was employed by the defendant(s) is:

130 Court Street
Street Address
Kings ~~BK~~ Brooklyn NY 11201
County City State Zip Code

4. The discriminatory conduct of which I complain in this action includes
(check only those that apply).

☐ Failure to hire.

☒ Termination of my employment.

☐ Failure to promote.

☐ Failure to accommodate my disability.

☒ Unequal terms and conditions of my employment.

☒ Retaliation

☐ Other acts (specify): _____

NOTE: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

5. It is my best recollection that the alleged discriminatory acts occurred on:

March 25, 2013 - October 2013
Date(s)

6. I believe that the defendant(s) (check one)

☐ is still committing these acts against me.

☒ is not still committing these acts against me.

7. Defendant(s) discriminated against me based on my:
(check only those that apply and state the basis for discrimination, for example,
what is your religion, if religious discrimination is alleged)

☒ race Black ☐ color _____

☐ gender/sex _____ ☒ religion Islam

☐ national origin _____

☐ disability _____

☐ age. If age is checked, answer the following:

I was born in _____. At the time(s) defendant(s) discriminated against me,
Year

I was ☐ more ☐ less than 40 years old. (check one).

NOTE:

Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court.

8. The facts of my case are as follows:

- I seek compensation for religious discrimination
- I seek compensation for emotional distress
- I seek compensation for defamation of character

See Attachment

(Attach additional sheets as necessary)

NOTE:

As additional support for your claim, you may attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights, or the New York City Commission on Human Rights.

9. It is my best recollection that I filed a charge with the New York State Division of Human Rights or the New York City Commission on Human Rights regarding defendant's alleged discriminatory conduct on: 10/29/2013
Date

10. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct on: 10/29/2013
Date

I was wrongfully terminated from Trader Joe's Inc and seek compensation for this and the emotional distress I endured. I also believe that my religious belief played a factor in my termination. I was initially suspended for a situation that took place with myself and another employee in which I was verbally attacked and then later accused by her and another employee of almost causing physical harm to this employee. Two days later I was suspended. During my suspension reports started to come up of my involvement in making what Carlos the manager as he stated border line sexual harassment comments. At this time I sought a lawyers opinion of what I should do in this situation and I was told about the EEOC so I made a complaint as the suspension was taking place I sent an email to the CEO of the company and contacted the HR. While suspended I began to think why were they conducting such an dishonest and malicious campaign against me and this led me to resurface all of the incidents that occurred while I was there from the religious comments made by Rochelle and other employees to the unfair treatment of religious accommodations to the sexual advances made by employees to me. I didn't understand the smear campaign but I soon realized what was going on. I have many documents and gripes I would like to explain in court. I will not fully elaborate the problems as this would take multiple copies of this while I am presently having a difficult time with the finances needed. In plain I seek compensation for religious discrimination, emotion distress, and defamation of character

Only litigants alleging age discrimination must answer Question #11.

11. Since filing my charge of age discrimination with the Equal Employment Opportunity

Commission regarding defendant's alleged discriminatory conduct (*check one*):

_____ 60 days or more have elapsed.

_____ less than 60 days have elapsed.

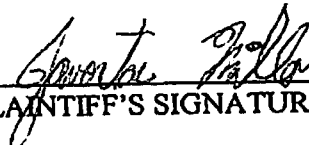
12. The Equal Employment Opportunity Commission (*check one*):

_____ has not issued a Right to Sue letter.

☒ has issued a Right to Sue letter, which I
received on May 22, 2014
Date

NOTE: Attach a copy of the Right to Sue Letter from the Equal Employment Opportunity Commission to this complaint.

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, pre-judgment interest, costs, and attorney's fees.


PLAINTIFF'S SIGNATURE

Dated: 08/22/14

391 Chauncey St. Bklyn NY
Address
Apt. 1R 11233
(718) 919-0310
Phone Number

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Javontae Miller**
109 East 96th Street, Apt. 2F
Brooklyn, NY 11212

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2014-00473

Holly M. Woodyard,
Investigator

(212) 336-3643

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

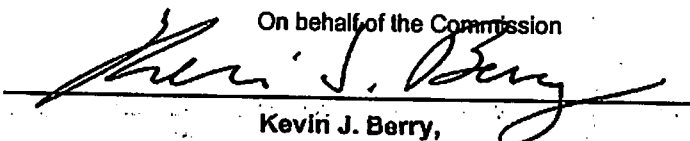
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years)** before you file suit may not be collectible.

On behalf of the Commission


Kevin J. Berry,
District Director

May 22, 2014

(Date Mailed)

Enclosures(s)

cc:

TRADER JOE'S COMPANY
Attn: Director of Human Resources
455 Hancock Road
Taunton, MA 02780